



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-4

For the meeting of: **April 4, 2017**

Date: **March 21, 2016**

To: **Board of Supervisors**

From: **County Counsel's Office, Code Enforcement Unit** *Sm*
Scott Miles, Senior Deputy County Counsel

Subject: **Administrative Abatement Funding Transfer and Supplemental Budget** *(4/5th vote)*
McKinley Davis Jr.
55 Lowell Street, Orick, California; AP# 520-071-017

RECOMMENDATION(S):

- (1) Authorize the cost of abatement to be advanced by the County of Humboldt, pursuant to Humboldt County Code Section 351-31, and if unpaid by the property owner, that a lien be placed against the parcel in the amount of the costs of abatement pursuant to Humboldt County Code Sections 351-33 to 351-44;
- (2) Authorize a transfer from the Code Enforcement Trust Fund, account #3440000, in the amount of \$7,000 to the County Counsel's revenue account #1100-121-631-130 to cover the cost of the abatement, and to pay the expenses associated with the abatement out of account 1100-121-2-403; and
- (3) Authorize the Auditor-Controller to execute the supplemental budget shown in Attachment "A" for fiscal year 2016-2017 (4/5th vote required).

SOURCE OF FUNDING:

General funds were used to prepare this agenda item. The cost of the abatement will be funded by the Code Enforcement Trust Fund. The current balance is approximately \$57,000. Included in this balance is Administrative Abatement Funding Transfer \$40,000 in Measure Z funds, which were granted by your Board to use for legacy case clean ups.

Prepared by: Jeff Conner

CAO Approval *[Signature]*

REVIEW:

Auditor *MBM*

County Counsel *Sm*

Personnel

Risk Manager

Other

TYPE OF ITEM:

- ☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other

PREVIOUS ACTION/REFERRAL:

Board Order No. K-1

Meeting of: February 7, 2017

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Wilson* Seconded by Supervisor *Fennell*

Ayes *Sundberg, Fennell, Bass, Wilson*

Nays

Abstain

Absent *Bohn*

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: Apr. 4, 2017

By:

[Signature]
Kathy Hayes, Clerk of the Board

DISCUSSION:

On February 7, 2017, your Board held a public hearing regarding the conditions on the property located at 55 Lowell Street, Orick, California, AP# 520-071-017 (hereinafter referred to as the "Property"), which the Humboldt County Tax Collector's database shows is owned by McKinley Davis Jr. (hereinafter referred to as the "Owner"). The violations listed on the Notice of Nuisance included use of recreational vehicles as a residence, secondary dwelling without permits, junk vehicles, the improper storage and removal of solid waste, maintaining a property with an unapproved sewage disposal system and substandard housing. Two separate fires had severely damaged the two recreational vehicles being used as a residence as well as destroying an automobile parked on the Property. In addition, to the solid waste that had been present previously, the contents of the burned trailers was scattered about the Property and sidewalk. The Owner was still residing on the Property, presumably having returned to the garage. There was no water service to the Property due to a lack of payment. At the hearing, evidence was presented by the Code Enforcement Unit. The Owner was not present or represented at the hearing.

At the conclusion of the public hearing, your Board found that the conditions constituted a public nuisance, and ordered that the nuisance be abated within thirty (30) days of the service of the Findings of Nuisance and Order of Abatement. Your Board further ordered that the Code Enforcement Unit return for abatement funds if the Owner did not comply with the abatement order by the deadline imposed, and to seek a lien on the property if the Owner failed to pay those costs. On February 8, 2017, a copy of the Findings of Nuisance and Order of Abatement from the hearing was sent to the Owner via certified mail pursuant to Humboldt County Code Sections 351-22 and 351-11. Furthermore, on February 8, 2017, another copy was posted on the Property, completing service.

On March 17, 2017, the Code Enforcement Unit inspected the Property again. The rearmost travel trailer had been partially dismantled and the resulting scrap aluminum had been deposited on the sidewalk. Straw had been scattered over the remains of the front trailer, the burned out car and most of the solid waste on the property for an unknown reason. Otherwise, the conditions on the Property remained the same. Photographs taken of the Property on that date are attached to this agenda item.

Despite the efforts made by the Code Enforcement Unit to obtain voluntary compliance, there are three (3) junk vehicles on the Property as well as large concentrations of solid waste. The Owner is unable and/or unwilling to abate the violations on his own. Thus, the Code Enforcement Unit believes that it is necessary to undertake an abatement of the junk vehicles and solid waste on the Property. A separate procedure is intended to deal with the use of the garage as a residence as well as the lack of water on the Property.

FINANCIAL IMPACT:

The costs of the abatement have been estimated at \$7,000 for the removal and disposal of the junk vehicles and solid waste. Such costs are further broken down as follows:

General contractor crew for one day	\$5,000
<i>Including excavator and end dump trailer</i>	
One 20 yard bin for disposal of trash	\$800
Tow and disposal of junk automobile	\$200
Contingency	\$1,000
Total	\$7,000

The balance of the Code Enforcement Trust Fund is currently approximately \$57,000.

Today's recommended action supports the Board's Strategic Framework by enforcing laws and regulations and creating opportunities for improved health and safety.

OTHER AGENCY INVOLVEMENT:

No other agency involvement is anticipated.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. Extend the timeline for voluntary compliance by the Owner. This alternative is not recommended as the Owner has had adequate time to abate the conditions constituting a nuisance on the Property and appears to be unwilling and/or unable to do so.
2. Do not authorize abatement cleanup of the Property by the Code Enforcement Unit. This alternative is not recommended as the conditions on the Property remain violations of Humboldt County Code, are a public nuisance, and a detriment to the health, safety and welfare of the citizens of Humboldt County.

ATTACHMENTS:

Attachment A – Supplemental Budget for Abatement.

Attachment B – Findings of Nuisance and Order of Abatement from the Abatement Hearing before the Board of Supervisors on February 7, 2016.

Attachment C – Digital photographs taken on March 10, 2017

Administrative Abatement Funding Transfer

In Re: McKinley Davis Jr.
55 Lowell Street, Orick, California; AP# 520-071-017

ATTACHMENT "A"

Supplemental Budget

Supplemental Budget for Abatement (4/5th Vote)

Revenue:

1100-121-631-130	\$7,000
------------------	---------

Expenditures:

1100-121-2-403	\$7,000
----------------	---------

Administrative Abatement Funding Transfer

In Re: McKinley Davis Jr.
55 Lowell Street, Orick, California; AP# 520-071-017

ATTACHMENT “B”

Findings of Nuisance and Order of Abatement

**BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT**
825 FIFTH STREET
EUREKA, CALIFORNIA 95501 PHONE (707) 445-7471

FINDINGS OF NUISANCE & ORDER OF ABATEMENT

In Re: Abatement Hearing

McKinley Davis Jr.
55 Lowell Street, Orick, California; AP# 520-071-017

February 7, 2017

WHEREAS, Humboldt County Board of Supervisors ("Board") considered the evidence concerning conditions on the subject property, including relevant documents, writings, codes, ordinances and oral testimony; and

WHEREAS, the Board declares that the conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood

Now therefore the Board Finds:

1. The property located at 55 Lowell Street, Orick, California is located in a Residential: Single Family zone, in the unincorporated area of Orick, Humboldt County, California, referred to as Assessor's Parcel No. 520-071-017; and

2. The staff of the Code Enforcement Unit for the County of Humboldt confirmed the existence of violations on the property; and

3. The property owner was served with a Notice of Nuisance pursuant to Humboldt County Code Sections 351-12 and 351-13, describing the conditions constituting the violations and ordering abatement of those conditions and that the Notice of Nuisance was posted on the property pursuant to said County Code; and

4. The property owner has had significant and reasonable time to correct all violations, but has refused and/or failed to meet the deadlines prescribed by the Notice; and

5. The property owner was served with a Notice to Abate Nuisance pursuant to Humboldt County Code Section 351-15; to wit, the Notice to Abate Nuisance was posted on the property pursuant to said County Code and the property owner was sent a certified letter containing the Notice to Abate Nuisance with the date and time of the hearing; and

6. The property owner has the legal responsibility for maintenance of the property, including abatement of all violations and compliance with all orders of the County; and

7. The violations still exist at the property and the property remains in violation of Humboldt County Code Sections 314-81.1, use of a recreational vehicle as a residence; 314-87.1, constructing a secondary dwelling unit without the proper permits; 352-26, junk vehicles; 521-4, the improper storage and removal of solid waste; 611-3, maintaining a residence without an approved sewage disposal system; and Section 1001.14 of the Uniform Housing Code ("UHC"), substandard housing; and

8. The conditions on the property are public nuisances in that the conditions are detrimental to the health, safety, comfort and general welfare of the public and persons residing in the neighborhood.

NOW, THEREFORE, IT IS HEREBY:

ORDERED:

1. The forgoing findings, including the findings of conditions constituting a public nuisance on the subject property, are incorporated herein by reference and made a part hereof;
2. That the property owner abate all violations of the Humboldt County Code as described above. The property owner shall take the following actions:

Section 314-81.1

Use of a recreational vehicle as a residence

Corrective Action:

Disconnect any utilities and cease use as a residence.

Section 314-87.1

Construction of a secondary dwelling unit without the proper permits

Corrective Action:

Apply for and obtain permits from Planning and Building Divisions.

Section 352-26

Junk vehicles

Corrective Actions:

- a) Restore vehicle(s) to operative condition, and/or
- b) Remove inoperable vehicles, and/or
- c) Store inoperable vehicles within enclosed structure.

Section 521-4

Improper storage and removal of solid waste

Corrective Action:

Store all solid waste in containers with tight fitting lids and dispose of all waste in a timely manner.

Section 611-3

Maintaining a residence without an approved sewage disposal system

Correction Action:

Apply for and receive a permit from the Division of Environmental Health for a sewage disposal system.

Section 1001.14 UHC

Substandard housing

Corrective Action:

Cease habitation in a structure not intended or designed for that use.

3. That the abatement of all violations be completed within 30 days of the service of these Findings of Nuisance and Order of Abatement, including a final inspection by the Code Enforcement Unit;
4. That the Code Enforcement Unit is directed to take all necessary steps to assure the abatement is completed as ordered. If the property owner fails to comply with this order the Code Enforcement Unit shall be empowered and authorized to abate said nuisance and shall return to the Board for authorization for a transfer of funds to abate such nuisance, and that the costs of abatement shall become a lien on the subject property.

Dated: 2/7/17

Vernice Barr

Chair, Humboldt County Board of Supervisors

Administrative Abatement Funding Transfer

In Re: McKinley Davis Jr.
55 Lowell Street, Orick, California; AP# 520-071-017

ATTACHMENT "C"

Photographs Taken on March 10, 2017





